

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAHEEM BRENNERMAN, :
Petitioner, : CIVIL ACTION NO. 3:21-CV-1610
: (JUDGE MARIANI)
v. : (Magistrate Judge Carlson)
RACHEL THOMPSON, WARDEN, :
Respondent. :
: *SP*

FILED
SCRANTON

MAR 25 2022

PER

SP
DEPUTY CLERK

ORDER

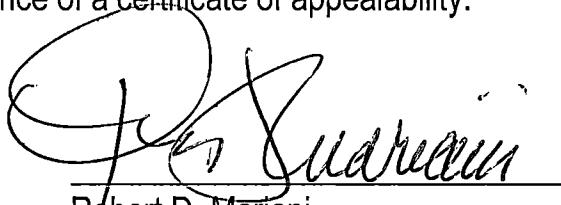
AND NOW, THIS 24 *SP* DAY OF MARCH 2022, upon review of Magistrate Judge Martin C. Carlson's March 14, 2022, Report and Recommendation ("R&R") (Doc. 21) for clear error or manifest injustice, Petitioner's responsive correspondence of March 18, 2022 (Doc. 22), and all relevant documents, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 21) is **ADOPTED** for the reasons set forth therein.
2. Petitioner's claimed exhaustion of administrative remedies set out in his March 18, 2022, correspondence (Doc. 22 at 1) has no bearing on Magistrate Judge Carlson's recommended disposition in that exhaustion is a prerequisite to habeas relief and, therefore, petitioners must "exhaust their administrative remedies *before* petitioning for a writ of habeas corpus." *Moscato v. Fed. Bureau of Prisons*, 98 F.3d 757, 760 (3d Cir. 1996) (citing *Bradshaw v. Carlson*, 682 F.2d 1050, 1052 (3d Cir. 1981) (per curiam)) (emphasis added). Therefore, to the extent Petitioner's correspondence informing the Court that he has now exhausted his administrative remedies is

considered an objection to the R&R's recommended disposition, the objection is

OVERRULED;

3. The Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE.**
4. There is no basis for the issuance of a certificate of appealability.



Robert D. Mariani
United States District Judge